

AMERICAN LEGISLATIVE EXCHANGE COUNCIL

MEMORANDUM

TO: ENERGY, ENVIRONMENT AND AGRICULTURE TASK FORCE MEMBERS
FROM: TODD WYNN, TASK FORCE DIRECTOR
DATE: October 27, 2011
RE: 35-DAY MAILING—STATES AND NATION POLICY SUMMIT

The American Legislative Exchange Council will host its **States and Nation Policy Summit (SNPS) on November 30 through December 2 in Phoenix, AZ at the Westin Kierland**. If you have not yet registered for this meeting, please click [here](#) for registration information or go to www.alec.org.

The following meetings are of interest to members of the Energy, Environment and Agriculture Task Force:

Wednesday, November 30

- Energy Subcommittee (8:00am – 9:10am)
- Environmental Health Subcommittee (9:10am – 10:20am)
- Agriculture Subcommittee (10:20-11:30am)
- Workshop – Cutting the Government Red Tape on Solar (3:00pm – 4:15pm)

Friday, December 2

- Workshop- Restoring America's Jobs & Economy: The Role of Energy and Environmental Policies (9:30 am-10:45am)
- Workshop– Common Sense Toxicology (11:00am – 12:15pm)
- Workshop- Electrifying and Connecting America for the 21st Century: A View from the Public Utility Commissions (11:00am-12:15pm)
- Energy, Environment and Agriculture Task Force meeting (2:00pm – 5:00pm)

The following materials are attached:

- Agenda for the Energy, Environment and Agriculture Task Force Meeting (1 page)
- Agenda for Subcommittee Meetings (3 pages)
- Annual Meeting Task Force Meeting Minutes (1 page)
- States & Nation Policy Summit Agenda-at-a-Glance (2 pages)
- Scholarship Policy by Meeting, ALEC Task Force Operating Procedures and ALEC Mission Statement (14 pages)
- Attendee Registration Housing Form and Spouse/Guest Registration Housing Form (2 pages)
- Model Legislation
- Energy, Environment and Agriculture Task Force Roster (not included but available upon request)

Hotel information: The Westin Kierland Resort & Spa is located at 6902 E. Greenway Parkway, Scottsdale, AZ 85254. Telephone: (480) 624-1000. Website: <http://www.kierlandresort.com/>

Also, as most of you are aware, I am the new Energy, Environment and Agriculture Task Force Director. I look forward to meeting all of you in Arizona and working with you well into the future. If you have any questions or concerns regarding the meeting, please contact me at (202) 742-8542 or by e-mail twynn@alec.org.

Sincerely,
Todd Wynn

ALEC ENERGY, ENVIRONMENT AND AGRICULTURE TASK FORCE MEETING

2011 STATES AND NATION POLICY SUMMIT

PHOENIX, AZ

DECEMBER 2, 2011

2:00PM – 5:00PM

TENTATIVE AGENDA

2:00 Call to Order, Welcome, and Introductions

Representative David Wolkins, Indiana

Martin Shultz, Pinnacle West Capital Corporation

2:10 Eco-Fads: How the Rise of Trendy Environmentalism is Harming the Environment

Todd Myers, Washington Policy Center

2:30 Model Resolution/Legislation:

- RESOLUTION ON SUSTAINABLE RESOURCE DEVELOPMENT
- THE DISCLOSURE OF HYDRAULIC FRACTURING FLUID COMPOSITION ACT

2:55 Threatening Prosperity: How Radical Environmentalism Endangers Life Liberty and Property

Robert Ferguson, Science and Public Policy Institute

3:15 Model Resolutions:

- RESOLUTION REQUESTING THAT THE OBAMA ADMINISTRATION CONFER AND CONSULT WITH THE STATES ON MANAGEMENT OF PUBLIC LANDS AND ENERGY RESOURCES
- RESOLUTION IN SUPPORT OF THE KEYSTONE XL PIPELINE

3:30 Agricultural Sustainability

Speaker TBD

3:50 Model Resolutions:

- RESOLUTION IN SUPPORT OF MODERNIZING THE FEDERAL TOXIC SUBSTANCES CONTROL ACT OF 1976
- RESOLUTION ON THE REDUCTION OF INVASIVE SPECIES

4:20 Economic Facts and Consumer Opinions about Expanding U.S. Energy Production

Steve Pociask, American Consumer Institute

4:40 Model Legislation: DISPOSAL AND TAXATION OF PUBLIC LANDS ACT

4:55 For the Good of the Order

5:00 Adjourn

ENERGY SUBCOMMITTEE
2011 STATES AND NATION POLICY SUMMIT
PHOENIX, AZ
WEDNESDAY, NOVEMBER 30, 2011
8:00AM – 9:10AM

TENTATIVE AGENDA

- 8:00 a.m. Welcome and Introductions
Rep. Tom Lockhart, Wyoming
Michael McGarey, Nuclear Energy Institute
- 8:05 a.m. Model Resolution: RESOLUTION ON SUSTAINABLE RESOURCE DEVELOPMENT
- 8:20 a.m. Model Resolution: RESOLUTION IN SUPPORT OF THE KEYSTONE XL PIPELINE
- 8:35 a.m. Model Legislation: THE DISCLOSURE OF HYDRAULIC FRACTURING FLUID COMPOSITION ACT
- 8:50 a.m. Model Resolution: RESOLUTION REQUESTING THAT THE OBAMA ADMINISTRATION CONFER AND CONSULT WITH THE STATES ON MANAGEMENT OF PUBLIC LANDS AND ENERGY RESOURCES
- 9:05 a.m. For the Good of the Order
- 9:10 a.m. Adjournment

ENVIRONMENTAL HEALTH SUBCOMMITTEE

2011 STATES AND NATION POLICY SUMMIT

PHOENIX, AZ

WEDNESDAY, NOVEMBER 30, 2011

9:10AM – 10:20AM

TENTATIVE AGENDA

- 9:10 a.m. Welcome and Introductions
Rep. Ralph Watts, Iowa
Jenn Mendez, Carpet and Rug Institute
- 9:20 a.m. Model Resolution: RESOLUTION IN SUPPORT OF MODERNIZING THE FEDERAL TOXIC SUBSTANCES CONTROL ACT OF 1976
- 9:40 a.m. Update on Extended Producer Responsibility
Speaker TBD
- 10:15 a.m. For the Good of the Order
- 10:20 a.m. Adjournment

AGRICULTURE SUBCOMMITTEE

2011 STATES AND NATION POLICY SUMMIT

PHOENIX, AZ

WEDNESDAY, NOVEMBER 30, 2011

10:20AM – 11:30AM

TENTATIVE AGENDA

- 10:20 a.m. Welcome and Introductions
Jeff Case, CropLife America
Rep. Larry Powell, Kansas
- 10:30 a.m. Model Resolution: RESOLUTION ON THE REDUCTION OF INVASIVE SPECIES
- 10:50 a.m. Model Legislation: DISPOSAL AND TAXATION OF PUBLIC LANDS ACT
- 11:10 a.m. Federal Permitting/Regulations
Speaker TBD
- 11:25 a.m. For the Good of the Order
- 11:30 a.m. Adjournment



**Energy, Environment, and Agriculture Task Force Meeting
ALEC's 2011 Annual Meeting
New Orleans, Louisiana
August 5, 2011
Meeting Minutes**

Meeting began at 2:30 pm.

The meeting was called to order by Task Force Co-Chairmen Rep. David Wolkins of Indiana and Martin Shultz of Brownstein Hyatt Farber Schreck.

Dr. Robert Bradley of the Institute for Energy Research spoke on the mirage of green energy and the continued need of fossil fuels.

Dr. Gerry Angevine of the Fraser Institute presented on his recent report, the 2011 Global Petroleum Survey.

The Honorable Iris Evans, Minister of International and Intergovernmental Relations in Alberta, spoke on North American energy security.

The Task Force tabled the Intrastate Coal and Use Act because the sponsor was not in attendance.

Dr. Daland Juberg of Dow AgroSciences spoke on the role of science in evaluating environmental health claims.

Daniel Connelly provided an update on state trends on Extended Producer Responsibility.

James Taylor spoke on recent updates in climate science.

The Task Force adopted the *Resolution Proposing a Constitutional Right to Hunt and Fish*. It passed by voice vote unanimously in the public sector and with two no votes in the private sector.

The Task Force adopted the *Resolution in Support of Energy Security, Production, Distribution, Environmental Protection and Economic Growth in the United States*. It passed unanimously in both the private and public sector.

The meeting adjourned at 5:30 pm.

STATES & NATION POLICY SUMMIT

PHOENIX, AZ
NOV. 30 - DEC. 2, 2011

Tuesday, November 29th

Joint Board of Directors Meetings

[Registration](#)

ALEC Joint Board Reception and Dinner

7:30 am – 5:00 pm

[12:00 pm – 5:00 pm](#)

6:00 pm – 9:30 pm

Wednesday, November 30th

[Registration](#)

Task Force Subcommittee Meetings

[Exhibits](#)

State Chairs Meeting

New Legislator Orientation

Opening Plenary Luncheon

Task Force Chairs Meeting

Workshops

Welcome Reception

[7:30 am – 5:00 pm](#)

8:00 am – 11:30 am

[9:00 am – 5:00 pm](#)

9:00 am – 11:00 am

10:15 am – 11:15 am

11:30 am – 1:15 pm

1:30 pm – 2:45 pm

1:30 pm – 4:15 pm

6:30 pm – 8:30 pm

Thursday, December 1st

[Registration](#)

Plenary Breakfast

[Exhibits](#)

Workshops

Plenary Luncheon

Task Force Meeting:

- Civil Justice
- Commerce, Insurance, and Economic Development
- Education
- Telecommunications and Information Technology

[7:30 am – 5:00 pm](#)

8:00 am – 9:15 am

[9:00 am – 5:00 pm](#)

9:30 am – 12:15 pm

12:30 pm – 2:15 pm

2:30 pm – 5:30pm

National Chairman's Reception, *by Invitation Only*

Gala Holiday Reception

Hospitality Suite

5:30 pm – 6:30 pm

6:30 pm – 8:30 pm

9:00 pm – 11:00 pm

Friday, December 2nd

Registration

7:30 am – 2:30 pm

Plenary Breakfast

8:00 am – 9:15 am

Exhibits

9:00 am – 5:00 pm

Workshops

9:30 am – 12:15 pm

Plenary Luncheon

12:30 pm – 1:45 pm

Task Force Meetings:

2:00 pm – 5:00 pm

- Energy, Environment and Agriculture
- Health and Human Services
- International Relations
- Public Safety and Elections
- Tax and Fiscal Policy

State Delegation Night

Beginning at 6:30 pm

SCHOLARSHIP POLICY BY MEETING

ALEC Spring Task Force Summit:

1. ***Spring Task Force Summit Reimbursement Form:*** ALEC Task Force Members are reimbursed by ALEC up to \$350.00 for travel expenses. Receipts must be forwarded to the ALEC Policy Coordinator and approved by the Director of Policy.
2. ALEC Task Force Members' room & tax fees for up to a two-night stay at the host hotel are covered by ALEC.
3. Registration fees are not covered; however, Task Force Members may submit registration expenses for payment from their state scholarship account upon approval of the State Chair.
4. *Official Alternate Task Force Members* (chosen by the State Chair and whose names are given to ALEC more than 35 days prior to the meeting to serve in place of a Task Force Member who cannot attend) are reimbursed in the same manner as Task Force Members.
5. ***State Scholarship Reimbursement Form:*** Any fees above the set limit, or expenses other than travel and room expenses can be submitted by Task Force Members for payment from their state scholarship account upon the approval of the State Chair. Receipts must be submitted to the State Chair, who will submit the signed form to the Director of Membership.
6. *Non-Task Force Members* can be reimbursed out of the state scholarship fund upon State Chair approval. Receipts must be submitted to the State Chair, who will submit the appropriate signed form to the Director of Membership.

ALEC Annual Meeting:

State Scholarship Reimbursement Form: State scholarship funds are available for reimbursement by approval of your ALEC State Chair. Expenses are reimbursed after the conference, and may cover the cost of travel, room & tax, and registration. Receipts are to be submitted to the State Chair, who will then submit the signed form to the Director of Membership.

ALEC States & Nation Policy Summit:

1. ***States & Nation Policy Summit Reimbursement Form:*** ALEC offers two scholarships per state to cover the cost of travel, room & tax, and registration not to exceed \$1,000.00 per person for a total of \$2,000.00 per state. ALEC scholarship recipients must be named by the ALEC State Chair. Expenses are submitted to the State Chair and reimbursed after the conference. The State Chair submits the signed form to the Director of Membership.
2. ***State Scholarship Reimbursement Form:*** Any other fees or payments must come out of the state scholarship account, with the approval of the State Chair. Receipts must be submitted to the State Chair, who submits the signed form to the Director of Membership.

ALEC Academies:

Academy Reimbursement Form: Attendees of ALEC Academies are reimbursed by the Task Force Committee hosting the Academy. Attendees will receive a form at the Academy, and will be reimbursed up to \$500.00 for travel, and room & tax fees for a two-night stay by ALEC. Receipts must be forwarded to the appropriate Task Force Director and approved by the Director of Policy.



American Legislative Exchange Council TASK FORCE OPERATING PROCEDURES

I. MISSION OF TASK FORCES

Assume the primary responsibility for identifying critical issues, developing ALEC policy, and sponsoring educational activities which advance the Jeffersonian principles of free markets, limited government, federalism, and individual liberty. The mission will be accomplished through a non-partisan, public and private partnership between ALEC's legislative and private sector members in the specific subject areas assigned to the Task Force by the Board of Directors.

II. TASK FORCE RESPONSIBILITIES

- A. Task Forces have the primary responsibility for identifying critical issues and developing ALEC's official policy statements and model legislation appropriate to the **specific subject areas** of the Task Force.
- B. Task Forces serve as forums for an exchange of ideas and sharing of experiences between ALEC's state legislator and private sector members.
- C. Task Forces are responsible for developing and sponsoring the following educational activities appropriate to the specific subject area of the Task Force:
 - publications that express policy positions, including, but not limited to State Factors and Action Alerts;
 - educational communication and correspondence campaigns;
 - issue specific briefings, press conferences and press campaigns;
 - witness testimony and the activities of policy response teams;
 - workshops at ALEC's conferences; and
 - specific focus events.
- D. The Executive Director is to develop an **annual budget**, which shall include expenses associated with Task Force meetings and educational activities. A funding mechanism to finance all meetings and educational activities proposed by Task Forces must be available before they can be undertaken.



III. GENERAL PROCEDURES

- A. Requests from ALEC members for policy statements, model legislation and educational activities shall be directed by the Executive Director to the appropriate Task Force, or the Board of Directors if the issue does not fall within the **jurisdiction** of any Task Force. The appropriate Public and Private Sector Task Force Co-Chairs determine the agenda for each Task Force meeting, and the meetings will be called and conducted in accordance with these Operating Procedures.

The Director of Policy with the consent of the Executive Director assigns a model bill or resolution to the most appropriate Task Force based on Task Force content and prior jurisdictional history 35 days before a Task Force Meeting. All Task Force Co-Chairs will be provided an email or fax summary of all **model bills and resolutions 35 days before** the Task Force meeting

If both the Co-Chairs of a Task Force are in agreement that they should have jurisdiction on model legislation or a resolution, the legislation or resolution will be considered by the Task Force. If the other Task Force Co-Chairs believe they should have jurisdiction or if the author of the model bill or resolution does not agree on the jurisdictional assignment of the bill, they will have **10 days after the 35-day mailer deadline** to submit in writing or by electronic appeal to the Director of Policy their intent to challenge the jurisdiction assignment. The Director of Policy will notify the Executive Director who will in turn notify the National Chair and the Private Enterprise Board Chair. The National Chair and the Private Enterprise Board Chair will in turn refer the matter in question to the Board of Directors Task Force Board Committee. The Director of Policy will establish a conference call for the Task Force Board Committee co- chairs, the author, the affected Task Force Co-Chairs and the Director of Policy at a time convenient for all participants.

The Task Force Board Committee Co-Chairs shall listen to the jurisdictional dispute by phone or in person within 10 days of the request. If both Task Force Board Committee Co-Chairs are in agreement that the Director of Policy made an incorrect jurisdictional referral, only then will the model bill or resolution be reassigned to a committee as they specify once agreed upon by the **National Chair and the Private Enterprise Board Chair**. The bill or model resolution is still eligible to be heard in whatever Task Force it is deemed to be assigned to as if submitted to the correct Task Force for the 35-



day mailer. The National Chair and the Private Enterprise Board Chair decision is final on this model bill or resolution.

Joint referral of model legislation and/or resolutions are allowed if all the affected Task Force Co-Chairs agree. All model legislation and resolutions that have been referred to, more than one Task Force must pass the identical language in both Task Forces within two consecutive Task Force meetings. It is at the Task Force Co-Chairs discretion how they will handle the hearings of the model legislation or resolution. Both sets of co-chairs have the ability to call a working group, subcommittee, or simply meet consecutively or concurrently if necessary.

If the Task Force co-chairs both agree to waive jurisdiction, they may do so as long as another Task Force still has jurisdiction.

The National Chair and the Private Sector Board Chair will rely upon the Task Force Board Committee Co-Chairs for advice and recommendations on model legislation or resolutions when no jurisdiction in any of the existing Task Forces in operation can be found. The Task Force Board Committee Co-Chairs will work with the Executive Director and the Director of Policy to identify public and private sector Task Force members (not alternates) from the existing Task Forces should their expertise be of assistance to the Task Force Board Committee in reaching a determination and recommendation for approval by the National Chair and the Private Enterprise Board Chair.

- B. **The National Chair and the Private Sector Board Chair** will rely upon the Task Force Board Committee Co-Chairs for advice and recommendations on model legislation or resolutions when no jurisdiction in any of the existing Task Forces in operation can be found. The Task Force Board Committee Co-Chairs will work with the Executive Director and the Director of Policy to identify public and private sector Task Force members (not alternates) from the existing Task Forces should their expertise be of assistance to the Task Force Board Committee in reaching a determination and recommendation for approval by the National Chair and the Private Enterprise Board Chair.
- C. **The Board of Directors** shall have ultimate authority over Task Force procedures and actions including the authority to create, to merge or to disband Task Forces and to review Task Force actions in accordance with these Operating Procedures. Nothing in these Operating Procedures prohibits the Board of Directors from developing ALEC policy; however, such a practice



should be utilized only in exceptional circumstances. Before the policy is adopted by the Board of Directors, it should be sent to the Public and Private Sector Task Force Co-Chairs under whose jurisdiction the matter falls for review and comment back to the Board of Directors.

- D. The **operating cycle of a Task Force** is two years. A new operating cycle begins on January 1 of each odd numbered year and ends on December 31 of the following even numbered year. Task Force activities shall be planned and budgeted on an annual basis within each two-year operating cycle.
- E. If a Task Force is **unable to develop an operating budget**, the Board of Directors will determine whether to continue the operations of the Task Force. This determination will be made according to: (1) the level of membership on the Task Force, and (2) the need for continued services developed by the Task Force for ALEC.
- F. **The Board of Directors** shall have the authority to allocate limited general support funds to finance the annual operating budget of Task Forces that meet the requirements prescribed in Section III (E). The Executive Director shall determine, and report to the Board of Directors, the amount of general support funds available to underwrite such Task Forces.

IV. MEMBERSHIP AND MEMBER RESPONSIBILITIES

- A. The membership of a Task Force consists of legislators who are members in good standing of ALEC and are duly appointed to the Task Force, in accordance with Section VI (A) and private sector organizations that are full members of ALEC, contribute to the assessment for the Task Force operating budget, and are duly appointed to the Task Force, in accordance with Section VI (B). Private sector organizations that were full members of ALEC and contributed the assessment for the Task Force's operating budget in the previous year, can be appointed to the Task Force for the current year, conditional upon renewal of full ALEC membership and receipt of the current year's assessment for the Task Force operating budget prior to March 31st, unless an alternative date has been approved by the Executive Director.
- B. Each Task Force shall have least two **Co-Chairs**; a Public Sector Task Force Co-Chair and a Private Sector Task Force Co-Chair. The Public Sector Task Force Co-Chair must be a member of the Task Force and appointed in



accordance with Section VI (A). The Private Sector Co-Chair must represent a private sector member of the Task Force and be appointed in accordance with Section VI(B). The Co-Chairs shall be responsible for:

- (1) calling the Task Force and the Executive Committee meetings to order, setting the agenda and co-chairing such meetings;
- (2) appointing and removing legislators and private sector members to and from the Task Force Executive Committee and subcommittees;
- (3) creating subcommittees, and determining each subcommittee's mission, membership limit, voting rules, deadlines, and term of service; and
- (4) selecting Task Force members to provide support for and against Task Force policies during formal Board reviews.

- C. Each Task Force shall have an **Executive Committee** appointed by the Public and Private Sector Task Force Co-Chairs that is appropriate in number to carry out the work product and strategic plan of ALEC and the Task Force. The Executive Committee shall consist of the Public Sector Task Force Co-chair, the Private Sector Task Force Co-Chair, the subcommittee co-chairs, and the remainder will be an equal number of legislative and private sector Task Force members. The Executive Committee will be responsible for determining the operating budget and proposing plans, programs and budgets for the succeeding year in accordance with (Section V (B)); determining if a proposed educational activity conforms to a previously approved model bill, resolution or policy statement in accordance with (Section IX (F)); and determining if an emergency situation exists that justifies waiving or reducing appropriate time limits in accordance with (Section VIII (H)).
- D. Each Task Force may have any number of **subcommittees**, consisting of Task Force members and advisors to focus on specific areas and issues and make policy recommendations to the Task Force. The Task Force Co-chairs, shall create subcommittees and determine each subcommittee's mission, membership limit, voting rules, deadlines, and term of service. Any model bill, resolution or policy statement approved by a subcommittee must be approved by the Task Force before it can be considered official ALEC policy.
- E. Each Task Force may have advisors, appointed in accordance with Section VI (G). **Advisors** shall assist the members and staff of the Task Force. They shall be identified as advisors on official Task Force rosters, included in all official



Task Force mailings and invited to all Task Force meetings. Advisors may also have their expenses paid at Task Force meetings covered by the Task Force operating budget with the approval of the Task Force Co-Chairs. An advisor cannot be designated as the primary contact of a private sector Task Force member, cannot be designated to represent a private sector Task Force member at a Task Force, Executive Committee, or subcommittee meeting, and cannot offer or vote on any motion at a Task Force, Executive Committee, or subcommittee meeting.

V. Task Force Budgets

- A. Each Task Force shall develop and operate a yearly budget to fund meetings.
- B. The **operating budget** shall be used primarily to cover expenses for Task Force meetings, unless specific funds within the budget are authorized for other use by the Task Force. The operating budget shall be assessed equally among the private sector members of the Task Force. The Executive Director, in consultation with the Task Force Co-Chairs shall determine which costs associated with each meeting will be reimbursed from the operating budget. Any funds remaining in a Task Force's operating budget at the end of a year are transferred to ALEC's general membership account.
- C. The operating budget shall not be used to cover Task Force meeting expenses associated with **alternate task force members'** participation, unless they are appointed by their State Chair to attend the Spring Task Force Summit with the purpose to serve in place of a Task Force Member who is unable to attend. Task Force meeting expenses of alternate task force members shall be covered by their state's scholarship account.
- D. The **programming budget** shall be used to cover costs associated with educational activities. Contributions to the programming budget are separate, and in addition to operating budget contributions and annual general support/membership contributions to ALEC. The Executive Director shall determine the contribution required for each educational activity.

VI. PROCESS FOR SELECTING TASK FORCE MEMBERS, CHAIRS, COMMITTEES AND ADVISORS



- A. Prior to February 1 of each odd-numbered year, the current and immediate past National chairman will jointly select and appoint in writing **three legislative members and three alternates to the Task Force** who will serve for the current operating cycle, after receiving nominations from ALEC's Public and Private State Chairs, the Executive Director and the ALEC Public and Private Sector members of the Board. At any time during the year, the National Chairman may appoint in writing new legislator members to each Task Force, except that no more than three legislators from each state may serve as members of any Task Force, no legislator may serve on more than one Task Force and the **appointment cannot be made earlier than thirty days** after the new member has been nominated. In an effort to ensure the nonpartisan nature of each Task Force, it is recommended that no more than two legislators of any one political party from the same state be appointed to serve as members of any Task Force. A preference will be given to those ALEC legislator members who serve on or chair the respective Committee in their state legislature. A preference will be given to legislators who sponsor ALEC Task Force model legislation in the state legislature.
- B. Prior to January 10 of each odd-numbered year, the current and immediate past National Chairman will jointly select and appoint in writing **the Task Force Chair** who will serve for the current operating cycle, after receiving nominations from the Task Force. Nominations will be requested by the outgoing Task Force Chair and may be placed in rank order prior to transmittal to the Executive Director no later than December 1 of each even-numbered year. No more than five names may be submitted in nomination by the outgoing Task Force chair. The current and immediate past National Chairmen will jointly make the final selection, but should give strong weight to the recommendations of the outgoing Task Force Chair. In an effort to empower as many ALEC leaders as possible, State Chairs and members of the Board of Directors will not be selected as Task Force Chairs. Task Force Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past National Chairmen may reappoint a Task Force Chair to a second operating cycle term.
- C. Prior to February 1 of each odd numbered year, the Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members of the **Task Force Executive Committee**, who will serve for the current operating cycle. The Public and Private Sector Task Force Co-Chairs will select and appoint in writing the legislative and private sector members and advisors to any subcommittee.



- D. Prior to February 1 of each year, the Private Enterprise Board Chair and the immediate past Private Enterprise Board Chair will select and appoint in writing the private sector members to the Task Force who will serve for the current year. The appointment letter shall be mailed to the individual designated as the primary contact for the private sector entity. At any time during the year, the Chair of the Private Enterprise Board may appoint in writing **new private sector members** to each Task Force, but no earlier than thirty days after the new member has qualified for full membership in ALEC and contributed the assessment for the appropriate Task Force's operating budget.
- E. Prior to January 10 of each odd-numbered year, the Chair of the Private Enterprise Board and the immediate past Private Enterprise Board Chair will select and appoint in writing the **Task Force Private Sector Co-Chair** who will serve for the current operating cycle, after receiving nominations from the Task Force. Nominations will be requested by the outgoing Task Force Private Sector Chair and may be placed in rank order prior to transmittal to the Chair of the Private Enterprise Board. The Chair and the immediate past Chair of the Private Enterprise Board will make the final selection, but should give strong weight to the recommendations of the outgoing Private Sector Task Force Co-Chair. In an effort to empower as many ALEC private sector members as possible, Private Enterprise State Chairs and members of the Private Enterprise Board will not be selected as Private Sector Task Force Co-Chairs. Private Sector Task Force Co-Chairs shall serve for one operating cycle term. Where special circumstances warrant, the current and immediate past Chair of the Private Enterprise Board may reappoint a Task Force Private Sector Chair to a second operating cycle term.
- F. Prior to February 1 of each odd-numbered year, the Task Force Private Sector Co-Chair will select and appoint in writing the **private sector members of the Task Force Executive Committee**, who will serve for the current operating cycle. The Task Force Private Sector Co-Chair shall select and appoint in writing the private sector members of any subcommittees.
- G. The Public and Private Sector Task Force Co-Chairs, may jointly appoint subject matter experts to serve as **advisors** to the Task Force. The National Chair and the Private Enterprise Board Chair may also jointly recommend to the Task Force Co-Chairs subject matter experts to serve as advisors to the Task Force.



VII. REMOVAL AND VACANCIES

- A. The National Chair may remove any Public Sector **Task Force Co-Chair** from his position and any legislative member from a Task Force with or without cause. Such action will not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive Task Force meetings.
- B. The Public Sector Task Force Co-Chair may remove any legislative member of an **Executive Committee or subcommittee** from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include failure to attend two consecutive meetings.
- C. The Chairman of the Private Enterprise Board may remove **any Private Sector Task Force Co-Chair** from his position and any private sector member from a Task Force with cause. Such action shall not be taken except upon thirty days written notice to such Chair or member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues. .
- D. The Private Sector Task Force Co-Chair may remove any **private sector member of an Executive Committee or subcommittee** from his position with cause. Such action shall not be taken except upon thirty days written notice to such member whose removal is proposed. For purposes of this subsection, cause may include but is not limited to the non-payment of ALEC General Membership dues and the Task Force dues.
- E. The Public and Private Sector Task Force Co-Chairs may remove an **advisor** from his position with or without cause. Such action shall not be taken except upon thirty days written notice to such advisor whose removal is proposed.
- F. Any member or advisor may **resign** from his position as Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, public or private sector Task Force member, Task Force advisor, Executive Committee member or subcommittee member at any time by writing a letter to that effect to the Public Sector and Private Sector Task Force Co-Chairs. The letter should specify the



effective date of the resignation, and if none is specified, the effective date shall be the date on which the letter is received by the Public and Private Task Force Co-Chairs.

- G. All **vacancies** for Public Sector Task Force Co-Chair, Private Sector Task Force Co-Chair, Executive Committee member and subcommittee member shall be filled in the same manner in which selections are made under Section VI. All vacancies to these positions must be filled within thirty days of the effective date of the vacancy.

VIII. MEETINGS

- A. **Task Force meetings** shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs. Task Force meetings cannot be held any earlier than thirty-five days after being called, unless an emergency situation has been declared pursuant to Section VIII (H), in which case Task Force meetings cannot be held any earlier than ten days after being called. It is recommended that, at least once a year, the Task Forces convene in a common location for a joint Task Force Summit. **Executive Committee meetings** shall only be called by the joint action of the Public and Private Sector Task Force Co-Chairs and cannot be held any earlier than three days after being called, unless the Executive Committee waives this requirement by unanimous consent.
- B. **At least forty-five days** prior to a task force meeting any model bill, resolution or policy must be submitted to ALEC staff that will be voted on at the meeting. At least thirty-five days prior to a Task Force meeting, ALEC staff shall distribute copies of any model bill, resolution or policy statement that will be voted on at that meeting. This requirement does not prohibit modification or **amendment** of a model bill, resolution or policy statement at the meeting. This requirement may be waived if an emergency situation has been declared pursuant to Section VIII(H).
- C. **All Task Force meetings are open** to registered attendees and invited guests of ALEC meetings and conferences. Only regular Task Force Members may introduce any resolution, policy statement or model bill. Only Task Force members will be allowed to participate in the Task Force meeting discussions



and be seated at the table during Task Force meetings, unless otherwise permitted by the Public and Private Sector Task Force Co-Chairs.

- D. ALEC private sector member organizations may only be represented at Task Force and Executive Committee meetings by the individual addressed in the **appointment letter** sent pursuant to Section VI (D) or a designee of the private sector member. If someone other than the individual addressed in the appointment letter is designated to represent the private sector member, the designation must be submitted in writing to the Public and Private Sector Task Force Co-Chairs before the meeting, and the individual cannot represent any other private sector member at the meeting.
- E. All Task Force and Executive Committee meetings shall be conducted under the guidelines of **Roberts Rules of Order**, except as otherwise provided in these Operating Procedures. A copy of the Task Force Operating Procedures shall be included in the briefing packages sent to the Task Force members prior to each meeting.
- F. A majority vote of legislative members present and voting and a majority vote of the private sector members present and voting, polled separately, are required to approve any motion offered at a Task Force or Executive Committee meeting. A **vote** on a motion to reconsider would be only with the sector that made the motion. Members have the right, in a voice vote, to abstain and to vote present by roll-call vote. In all votes a member can change their vote up until the time that the result of the vote is announced. Only duly appointed members or their designee as stated in Section VIII (D) that are present at the meeting may vote on each motion. **No proxy, absentee or advance voting is allowed.**
- G. The Public Sector Task Force Co-Chair and the Private Sector Task Force Co-Chair, with the concurrence of a majority of the Executive Committee, polled in accordance with Section VIII (F), may schedule a **Task Force vote by mail or any form of electronic communication** on any action pertaining to policy statements, model legislation or educational activity. The deadline for the receipt of votes can be no earlier than thirty-five days after notification of the vote is mailed or notified by any form of electronic communication, unless an emergency situation is declared pursuant to Section VIII (H), in which case the deadline can be no earlier than ten days after notification is mailed or notified by any form of electronic communication. Such votes are exempt from all rules in Section VIII, except: (1) the requirement that copies of model legislation and



policy statements be mailed or notified by any form of electronic communication with the notification of the vote and (2) the requirement that a majority of legislative members voting and a majority of the private sector members voting, polled separately, is required to approve any action by a Task Force.

- H. For purposes of Sections VIII(A), (B) and (G), an **emergency situation** can be declared by:
 - (1) Unanimous vote of all members of the Task Force Executive Committee present at an Executive Committee meeting prior to the meeting at which the Task Force votes on the model bill, resolution or policy statement; or
 - (2) At least three-fourth majority vote of the legislative and private sector Task Force members (voting in accordance with Section VIII (F)) present at the meeting at which the members vote on the model bill, resolution or policy statement.
- I. Ten Task Force members shall **constitute a quorum** for a Task Force meeting. One-half of the legislative and one-half of the private sector members of an Executive Committee shall constitute a quorum for an Executive Committee meeting.

IX. ***REVIEW AND ADOPTION PROCEDURES***

- A. All Task Force policy statements, model bills or resolutions shall become **ALEC policy** either: (1) upon adoption by the Task Force and affirmation by the Board of Directors or (2) thirty days after adoption by the Task Force if no member of the Board of Directors requests, within those thirty days, **a formal review by the Board of Directors**. General information about the adoption of a policy position may be announced upon adoption by the Task Force.
- B. The Executive Director shall notify the Board of Directors of the approval by a Task Force of any policy statement, model bill or resolution within ten days of such approval. Members of the Board of Directors shall have thirty days from the date of Task Force approval to review any new policy statement, model bill or resolution prior to adoption as official ALEC policy. Within those thirty days, any member of the Board of Directors may request that the policy be



formally reviewed by the Board of Directors before the policy is adopted as official ALEC policy.

- C. A member of the Board of Directors may request a formal review by the Board of Directors. The **request must be in writing** and must state the cause for such action and a copy of the letter requesting the review shall be sent by the National Chairman to the appropriate Task Force Chair. The National Chairman shall schedule a formal review by the Board of Directors no later than the next scheduled Board of Directors meeting.
- D. The review process will **consist of key members of the Task Force**, appointed by the Task Force Chair, providing the support for and opposition to the Task Force position. Position papers may be faxed or otherwise quickly transmitted to the members of the Board of Directors. The following is the review and adoption procedures:
 - **Notification of Committee:** Staff will notify Task Force Chairs and the entire task force when the Board requests to review one of the Task Forces' model bills or resolutions.
 - **Staff Analysis:** Will be prepared in a neutral fashion. The analyses will include:
 - History of Task Force action
 - Previous ALEC official action/resolutions
 - Issue before the board
 - Proponents arguments
 - Opponents arguments
 - **Standardized Review Format:** To ensure fairness, a set procedure will be used as the format to ensure the model bill/resolution has a fair hearing before the Board.
 - Task Force Chair(s) will be invited to attend the Board Review
 - Task Force Chair(s) will decide who will present in support and in opposition for the model bill/resolution before the Board.
 - Twenty minutes that is equally divided will be given for both sides to present before the Board.
 - It is suggested that the Board not take more than twenty minutes to ask questions of the presenters.
 - Presenters will then be excused and the Board will have a suggested twenty more minutes for discussion and vote.



- All votes will be recorded for the official record.
- **Notification of Committee:** The Director of Policy will notify presenters immediately after the vote. If the Board votes to send the model bill/resolution back to the task force, the Board will instruct the Director of Policy or another board member what to communicate.

E. **The Board of Directors can:**

- (1) Vote to affirm the policy or affirm the policy by taking no action,
or
- (2) Vote to disapprove the policy, or
- (3) Vote to return the policy to the Task Force for further consideration
providing reasons therefore.

- F. Task Forces may only undertake educational activities that are based on a policy statement, model bill or resolution that has been adopted as official ALEC policy, unless the Task Force votes to undertake the educational activity, in which case the educational activity is subjected to the same review process outlined in this Section. It is the responsibility of the Task Force Executive Committee to affirm by three-fourths majority vote conducted in accordance with Section VIII that an educational activity conforms to a policy statement, model bill or resolution.

X. EXCEPTIONS TO THE TASK FORCE OPERATING PROCEDURES.

Exceptions to these Task Force Operating Procedures must be approved by the Board of Directors.



Mission Statement

The American Legislative Exchange Council's mission is...

To advance the Jeffersonian Principles of free markets, limited government, federalism, and individual liberty through a nonpartisan public-private partnership among America's state legislators, concerned members of the private sector, the federal government, and the general public.

To promote these principles by developing policies that ensure the powers of government are derived from, and assigned to, first the People, then the States, and finally the Federal Government.

To enlist state legislators from all parties and members of the private sector who share ALEC's mission.

To conduct a policy making program that unites members of the public and private sector in a dynamic partnership to support research, policy development, and dissemination activities.

To prepare the next generation of political leadership through educational programs that promote the principles of Jeffersonian democracy, which are necessary for a free society.

2011 ALEC STATES AND NATION POLICY SUMMIT

November 30 – December 2, 2011

The Westin Kierland Hotel
6902 E. Greenway Parkway • Scottsdale, AZ 85254

STATES
&
NATION
POLICY SUMMIT

PHOENIX, AZ
NOV. 30 - DEC. 2, 2011

ATTENDEE REGISTRATION / HOUSING FORM

Early registration deadline: November 7, 2011

Housing cut-off date: November 7, 2011

Online
www.alec.org

Fax (credit cards only)
202.331.1344

Phone / Questions
Registration 202.742.8538 (Mon-Fri, 9am-5:30 pm Eastern)
Housing 1-866-716-8137 (Available 24/7)

ATTENDEE INFORMATION

Prefix (required) ☐ Sen ☐ Rep ☐ Del ☐ Mr ☐ Mrs ☐ Ms ☐ Other _____
Last Name _____ First Name _____ Middle Initial _____ Badge Nickname _____
Title _____
Organization (required) _____
Mailing Address ☐ Business ☐ Home _____
City _____ State/Province _____ Country _____ ZIP/Postal code _____
Daytime phone _____ Fax _____ Alternate phone _____
Email (confirmation will be sent by email) _____
Emergency Contact Name _____ Daytime Phone _____ Evening Phone _____
Dietary Restrictions _____
Spouse / Guest: If registering a spouse or guest, please complete the spouse/guest registration form.

REGISTRATION INFORMATION

Registration Fees

Note: Member fees are subject to verification

	Early Until Nov 7	Onsite Begin Nov 8	Daily
<input type="checkbox"/> ALEC Legislative Member	\$375	\$475	\$245
<input type="checkbox"/> Legislator / Non-Member	\$475	\$575	\$345
<input type="checkbox"/> ALEC Private Sector Member	\$725	\$875	\$445
<input type="checkbox"/> Private Sector Non-Member	\$925	\$1100	\$545
<input type="checkbox"/> ALEC Non-Profit Member (501(c)(3) status required)	\$525	\$625	\$345
<input type="checkbox"/> Non-Profit Non-Member (501(c)(3) status required)	\$675	\$825	\$445
<input type="checkbox"/> Legislative Staff / Government	\$400	\$500	\$245
<input type="checkbox"/> ALEC Alumni	\$425	\$525	\$295
<input type="checkbox"/> ALEC Legacy Member	\$0	\$0	\$0

For Daily Registration, circle which day: Wed Thur Fri

REGISTRATION FEE : \$ _____

(Subtract \$50 from your registration fee if you are booking at The Westin Kierland Hotel)

REGISTRATION CONFIRMATION INFORMATION Online registrants will receive immediate email confirmation. If registering by form, confirmation will be emailed within 72 hours of receipt of payment.

Note: Registration forms with enclosed payments must be received by November 7, 2011 to be eligible for early bird registration rates. Forms and/or payments received after November 7, 2011 will be subject to on-site registration rates.

DISCOUNT You are eligible for \$50 discount on registration fee if you are registering and booking accommodations in ALEC's room block at The Westin Kierland Hotel before November 7, 2011. Hotel reservations will be verified for those who receive discounted rate. If you receive a discount and later cancel your Westin room reservation, you will be charged (or you will be invoiced) for an additional \$50 for your registration fee after the meeting.

METHOD OF REGISTRATION PAYMENT

Credit Card: Credit cards will be charged immediately.

☐ Amer Express ☐ Visa ☐ MasterCard

Card # _____

Cardholder (please print) _____

Exp Date (mm/yy) ____/____ Signature _____

REGISTRATION CANCELLATION / REFUND INFORMATION Registrations cancelled prior to 5:00 pm Eastern November 7, 2011 are subject to a \$100 cancellation fee. Registrations are non-refundable after 5:00 pm Eastern November 7, 2011. Registration fees may be transferred from one registrant to another.

All refund requests must be made in writing and sent via email to meetings@alec.org or fax to 202-331-1344.

HOUSING

RESERVATION CUTOFF FOR ALEC DISCOUNTED RATE IS NOVEMBER 7, 2011

****Save \$50 on registration by booking your hotel room in ALEC's room block at The Westin Kierland Hotel****

☐ I do not require a reservation at this time.

Arrival Date _____ Departure Date _____

☐ Sharing room with _____

Room type

- ☐ Single (1 Adult) \$ 208
☐ Double (2 Adults) \$ 208
☐ Triple (3 Adults) \$ 258
☐ Quad (4 Adults) \$ 308

Suites and upgraded accommodations are available upon request. Please call 1-866-716-8137 for additional information.

Special requests

- ☐ ADA room required:
____ Audio ____ Visual ____ Mobile
☐ Rollaway / crib: _____
☐ Other: _____

METHOD OF HOUSING PAYMENT

☐ Please use the same method of payment as above.

Credit Card: Credit Cards will be used to guarantee the reservation.

☐ Amer Express ☐ Visa ☐ MasterCard ☐ Discover

Card # _____

Cardholder (please print) _____

Exp Date (mm/yy) ____/____ Signature _____

* All rates DO NOT include sales tax 12.27 % (subject to change)

Note: Cutoff for reservations at the ALEC rate is November 7, 2011. After November 7, 2011, every effort will be made to accommodate new reservations, based on availability and rate.

HOUSING CONFIRMATION INFORMATION

Online reservations will receive immediate email confirmation. Reservations received by form will be confirmed via email within 72 hours of receipt.

HOUSING CANCELLATION / REFUND INFORMATION

Credit cards will be charged one night room and tax in the event of a no show or if cancellation occurs within 72 hours prior to arrival. Please obtain a cancellation number when your reservation is cancelled.

2011 ALEC STATES AND NATION POLICY SUMMIT

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6902 E. Greenway Parkway • Scottsdale, AZ 85254


STATES
&
NATION
POLICY SUMMIT

PHOENIX, AZ
Nov. 30 - Dec. 2, 2011

SPOUSE/GUEST REGISTRATION FORM

 **Online**
www.alec.org

 **Fax (credit cards only)**
202.331.1344

 **Phone / Questions** • Mon-Fri, 9am-5:30 pm Eastern
Registration: 202.742.8538

ATTENDEE INFORMATION IS REQUIRED TO REGISTER A SPOUSE OR GUEST

Last Name _____ First Name _____
Organization _____
Daytime phone _____
Email (*Confirmation will be sent by email*) _____

SPOUSE / GUEST REGISTRATION

SPOUSE / GUEST REGISTRATION GUIDELINES

1. Spouse / guest registration is meant to accommodate legal spouse and immediate family members.
2. Attendees from the same organization must register independently. No exception will be made.
3. Spouse / guest designation will be clearly visible on name badge.

Last Name _____ First Name _____ Middle initial _____ Badge Nickname _____
Last Name _____ First Name _____ Middle initial _____ Badge Nickname _____
Last Name _____ First Name _____ Middle initial _____ Badge Nickname _____

SPOUSE / GUEST REGISTRATION FEES

**Number of
Spouse/Guest(s)**

Fee

TOTAL

☐ Spouse / Guest *please note name(s) above* _____ \$ 150 \$ _____

METHOD OF SPOUSE / GUEST REGISTRATION PAYMENT

Credit Card: Credit cards will be charged immediately. Please fax to the above number for processing.

☐ Amer Express Card # _____
☐ Visa Cardholder (*please print*) _____
☐ MasterCard Exp Date (mm/yy) ____/____ Signature _____

REGISTRATION CONFIRMATION INFORMATION

Online registrants will receive immediate email confirmation. If registering by form, confirmation will be emailed within 72 hours of receipt of payment.

REGISTRATION CANCELLATION / REFUND INFORMATION

Registrations cancelled prior to 5pm Eastern November 7, 2011 are subject to a \$100 cancellation fee. Registrations are non-refundable after 5pm Eastern November 7, 2011.

The Disclosure of Hydraulic Fracturing Fluid Composition Act

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF {enter state}:

SECTION 1. DISCLOSURE OF COMPOSITION OF HYDRAULIC FRACTURING FLUIDS

(A) The {insert relevant state agency} by rule shall:

(1) require an operator of a well on which a hydraulic fracturing treatment is performed to:

(a) complete the form posted on the hydraulic fracturing chemical registry Internet website of the Ground Water Protection Council and the Interstate Oil and Gas Compact Commission with regard to the well;

(b) include in the form completed under Paragraph (A):

(i) the total volume of water used in the hydraulic fracturing treatment; and

(ii) each chemical ingredient that is subject to the requirements of 29 C.F.R. Section 1910.1200(g)(2), as provided by a service company or chemical supplier or by the operator, if the operator provides its own chemical ingredients;

(c) post the completed form described by Paragraph (A) on the website described by that paragraph or, if the website is discontinued or permanently inoperable, post the completed form on another publicly accessible Internet website specified by the (relevant state agency)

(d) submit the completed form described by Paragraph (A) to the (relevant state agency) with the well completion report for the well; and

(e) in addition to the completed form specified in Paragraph (D), provide to the (relevant state agency) a list, to be made available on the internet website of the Ground Water Protection Council and the Interstate Oil and Gas Compact Commission or, if necessary, another publicly accessible website, of all other chemical ingredients not listed on the completed form that were intentionally included and used for the purpose of creating a hydraulic fracturing treatment for the well. The (relevant state agency) rule shall ensure that an operator, service company, or supplier is not responsible for disclosing ingredients that:

(i) were not purposely added to the hydraulic fracturing treatment;

(ii) occur incidentally or are otherwise unintentionally present in the treatment; or

(iii) in the case of the operator, are not disclosed to the operator by a service company or supplier. The rule shall not require that the ingredients be identified based on the additive in

which they are found or that the concentration of such ingredients be provided;

(2) require a service company that performs a hydraulic fracturing treatment on a well or a supplier of an additive used in a hydraulic fracturing treatment on a well to provide the operator of the well with the information necessary for the operator to comply with Subdivision (1);

(3) prescribe a process by which an entity required to comply with Subdivision (1) or (2) may withhold and declare certain information as a trade secret including the identity and amount of the chemical ingredient used in a hydraulic fracturing treatment;

(4) require a person who desires to challenge a claim of entitlement to trade secret protection under Subdivision (3) to file the challenge not later than the second anniversary of the date the relevant well completion report is filed with the (relevant state agency);

(5) limit the persons who may challenge a claim of entitlement to trade secret protection under Subdivision (3) to:

- (a) the landowner on whose property the relevant well is located;
- (b) a landowner who owns property adjacent to property described by Paragraph (a); or
- (c) a department or agency of this state with jurisdiction over a matter to which the claimed trade secret is relevant;

(6) require, in the event of a trade secret challenge, that the (relevant state agency) promptly notify the service company performing the hydraulic fracturing treatment on the relevant well, the supplier of the additive or chemical ingredient for which the trade secret claim is made, or any other owner of the trade secret being challenged and provide the owner an opportunity to substantiate its trade secret claim; and

(7) prescribe a process, consistent with 29 C.F.R. Section 1910.1200, for an entity described by Subdivision (1) or (2) to provide information, including information that is a trade secret as defined by Appendix D to 29 C.F.R. Section 1910.1200, to a health professional or emergency responder who needs the information in accordance with Subsection (i) of that section.

(B) The protection and challenge of trade secrets under this section is governed by (relevant state trade secret law).

SECTION 2. This act applies only to a hydraulic fracturing treatment performed on a well for which an initial drilling permit is issued on or after the date the initial rules adopted under that subchapter take effect. A hydraulic fracturing treatment performed on a well for which an initial drilling permit is issued before the date the initial rules take

effect is governed by the law as it existed immediately before the effective date of this Act, and that law is continued in effect for that purpose.

Disposal and Taxation of Public Lands Act

WHEREAS, in 1780, the United States Congress resolved that “the unappropriated lands that may be ceded or relinquished to the United States, by any particular states, pursuant to the recommendation of Congress of the 6 day of September last, shall be granted and disposed of for the common benefit of all the United States that shall be members of the federal union, and be settled and formed into distinct republican states, which shall become members of the federal union, and have the same rights of sovereignty, freedom and independence, as the other states: . . . and that upon such cession being made by any State and approved and accepted by Congress, the United States shall guaranty the remaining territory of the said States respectively. . . . That the said lands shall be granted and settled at such times and under such regulations as shall hereafter be agreed on by the United States in Congress assembled, or any nine or more of them”; and

WHEREAS, under these express terms of trust, the land claiming states, over time, ceded their western land to their confederated Union and retained their claims that the confederated government dispose of such lands to create new states “and for no other use or purpose whatsoever” and use the proceeds of any sales of such lands only for the purpose of paying down the public debt; and

WHEREAS, by resolution in 1790, the United States Congress declared “That the proceeds of sales which shall be made of lands in the Western territory, now belonging or that may hereafter belong to the United States, shall be, and are hereby appropriated towards sinking or discharging the debts for the payment whereof the United States now are, or by virtue of this act may be holden, and shall be applied solely to that use, until the said debt shall be fully satisfied”; and

WHEREAS, in 1833, referring to these land cession compacts which arose from the original 1780 congressional resolution, President Andrew Jackson stated, “These solemn compacts, invited by Congress in a resolution declaring the purposes to which the proceeds of these lands should be applied, originating before the constitution, and forming the basis on which it was made, bound the United States to a particular course of policy in relation to them by ties as strong as can be invented to secure the faith of nations”; and

WHEREAS, with respect to the disposition of the federal territorial lands, the Northwest Ordinance of July 13, 1787 provides, “The legislatures of those districts or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary for securing the title in such soil to the bona fide purchasers”; and

WHEREAS, the United States Supreme Court, in *Downes v. Bidwell*, 182 U.S. 244, 1901, stated, “The question of territories was dismissed with a single clause, apparently applicable only to the territories then existing, giving Congress the power to govern and dispose of them”; and

WHEREAS, the territorial and public lands of the United States are dealt with in Article IV, section 3, clause 2 of the United States Constitution, referred to as the Property Clause, which states, “The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States.” And

WHEREAS, with this clause, the Constitutional Convention agreed that the Constitution would maintain the “status quo” that had been established with respect to the federal territorial lands being disposed of only to create new states with the same rights of sovereignty, freedom, and independence as the original states; and

WHEREAS, in 1828, United States Supreme Court Chief Justice John Marshall, in *American Ins. Co. v. 356 Bales of Cotton*, 26 U.S. 511, 1828 said, “At the time the Constitution was formed, the limits of the territory over which it was to operate were generally defined and recognised (sic). These limits consisted in part, of organized states, and in part of territories, the absolute property and dependencies of the United States. These states, this territory, and future states to be admitted into the Union, are the sole objects of the Constitution; there is no express provision whatever made in the Constitution for the acquisition or government of territories beyond those Limits;” and

WHEREAS, in *Shively v. Bowlby*, 152 U.S. 1, 1894, the U.S. Supreme Court confirmed that all federal territories, regardless of how acquired, are held in trust to create new states on an equal footing with the original states when it stated, “Upon the acquisition of a territory by the United States, whether by cession from one of the states, or by treaty with a foreign country, or by discovery and settlement, the same title and dominion passed to the United States, for the benefit of the whole people, and in trust for the several states to be ultimately created out of the territory;” and

WHEREAS, the Enabling Act of {insert state} states, in part, that until the title to the unappropriated public lands lying within the state's boundaries, and to all land owned or held by any Indian or Indian tribes “shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States; that no taxes shall be imposed by the State on lands or property therein belonging to or which may hereafter be purchased by the United States or reserved for its use”; and

WHEREAS, the Enabling Act states further “That five per centum of the proceeds of the sales of public lands lying within said State, which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to the same, shall be paid to the said State, to be used as a permanent fund, the interest of which only shall be expended for the support of the common schools within said State”; and

WHEREAS, at the time of the Enabling Act the course and practice of the United

States Congress with all prior states admitted to the Union had been to fully dispose, within a reasonable time, all lands within the boundaries of such states, except for those Indian lands, or otherwise expressly reserved to the exclusive jurisdiction of the United States; and

WHEREAS, the state of {insert state} did not, and could not have, contemplated or bargained for the United States failing or refusing to dispose of all lands within its defined boundaries within a reasonable time such that the State of {insert state} and its Permanent Fund for its Common Schools could never realize the bargained-for benefit of the deployment, taxation, and economic benefit of all the lands within its defined boundaries; and

WHEREAS, the 1934 Taylor Grazing Act declared that “In order to promote the highest use of the public lands pending its final disposal, the Secretary of the Interior is authorized, in his discretion, by order to establish grazing districts or additions thereto and/or to modify the boundaries thereof, of vacant, unappropriated, and unreserved lands from any part of the public domain of the United States (exclusive of Alaska [and other territorial exclusions]) . . . Nothing in this subchapter shall be construed . . . as limiting or restricting the power or authority of any State as to matters within its jurisdiction”; and

WHEREAS, in 1976, after nearly 200 years of trusting history regarding the obligation of Congress to dispose of western lands to create new states and use the proceeds to discharge its public debts, the United States Congress stated in the Federal Land Policy Management Act, “By this Act, Congress declares that it is the policy of the United States that the public lands be retained in Federal ownership, unless ... it is determined that disposal of a particular parcel will serve the national interest”; and

WHEREAS, in a unanimous 2009 decision, the United States Supreme Court, in *Hawaii v. Office of Hawaiian Affairs*, stated, “. . . [a subsequent act of Congress] would raise grave constitutional concerns if it purported to ‘cloud’ Hawaii’s title to its sovereign lands more than three decades after the State’s admission to the Union. We have emphasized that ‘Congress cannot, after statehood, reserve or convey submerged lands that have already been bestowed upon a State.’ . . . ‘[T]he consequences of admission are instantaneous, and it ignores the uniquely sovereign character of that event . . . to suggest that subsequent events somehow can diminish what has already been bestowed’. And that proposition applies a fortiori [with even greater force] where virtually all of the State’s public lands . . . are at stake;” and

WHEREAS, from 1780 forward it is unmistakable that the federal government only held bare legal title to the western public lands as a trustee in trust to dispose of them to create new states and to use the proceeds to pay the public debt; and

WHEREAS, the Federal Government abided by these express trust obligations to the eastern edge of Colorado and then with Hawaii; and

WHEREAS, the Federal Government has failed to abide by the terms of its preexisting obligations from the eastern edge of Colorado to the west coast and Alaska; and

WHEREAS, {insert state} has been damaged by more than 115 years of federal entanglements to its lands; and

WHEREAS, {insert state} should have had control over its lands from 1896, plus a reasonable time for disposition; and

WHEREAS, {insert state} has been substantially damaged in its ability to provide funding for education because the federal government has unduly retained control of nearly 70 percent of land within its borders; and

WHEREAS, {insert state} has been damaged in lost property tax revenues to which the state was entitled; and

WHEREAS, {insert state} has been damaged in mineral lease revenues and severance taxes, which the Federal Government usurped without authority and in breach of its express trust obligations; and

WHEREAS, {insert state} has been damaged by the uncertainty regarding the sovereign control of its land and damaged by the loss of the economic multiplier effect over the use of its lands; and

WHEREAS, in light of these circumstances, the United States Congress disposed of lands within the boundaries of Hawaii directly to the state of Hawaii pursuant to its enabling act; and

WHEREAS, because of these entanglements and the breach of the Enabling Act and the damage resulting from it, the United States Congress should engage in good faith communication, cooperation, coordination, and consultation with the state of {insert state} to dispose directly to the state certain public lands where the public has developed a reasonable expectation of multiple use; and

WHEREAS, in the past, the Federal Government disposed of lands to persons with a logical nexus to the lands, including homestead claims, mining, timber, and grazing claims, the state of {insert state} expects that the United States Congress will do the same with respect to any lands not ceded directly to the state; and

WHEREAS, the Federal Government has an obligation, to present and all future generations, to pay the public debt, yet has demonstrated an inability to reduce the growing national debt even as it continues to worsen at an exponential rate.

NOW, THEREFORE, BE IT RESOLVED that the Legislature of the state of {insert state} strongly urges the Federal Government to use proceeds from the sale of lands not disposed directly to the state only to pay the public debt pursuant to the Congressional

Resolutions of 1780 and 1790 and the language of the Andrew Jackson veto of the lands bill that sought to use proceeds for some other purpose than this solemn compact obligation over the western public lands.

BE IT FURTHER RESOLVED that the Legislature of the state of {insert state} urges the United States Congress in the most strenuous terms to engage in good faith communication, cooperation, coordination, and consultation with the state of {insert state} regarding those lands wherein the public has developed a reasonable expectation of multiple use that must be disposed of directly to the state.

BE IT FURTHER RESOLVED that the United States Congress should only dispose of lands not ceded to the state to persons with a logical nexus to the lands, including homestead claims, mining, timber, and grazing claims.

BE IT FURTHER RESOLVED that a copy of this resolution be sent to the United States Department of the Interior, the Majority Leader of the United States Senate, the Speaker of the United States House of Representatives, the members of the congressional delegation of {insert state}, and the Governors, Senate Presidents, and Speakers of the House of the 49 other states.

BE IT ENACTED:

Section 1. Definitions. As used in this chapter:

(A) "Net proceeds" means the proceeds from the sale of public lands, after subtracting expenses incident to the sale of the public lands.

(B) "Public lands" means lands within the exterior boundaries of this state except:

- (1) lands to which title is held by a person who is not a governmental entity;
- (2) lands owned or held in trust by this state, a political subdivision of this state, or an independent
- (3) lands reserved for use by the state system of public education
- (4) school and institutional trust lands
- (5) national parks
- (6) lands ceded to the United States
- (7) lands, including water rights, belonging to an Indian or Indian tribe, band, or community that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States

Section 2. Disposal and taxation of public lands.

(A) On or before December 31, 2014, the United States shall sell public lands.

(B) The United States shall pay to this state 5 percent of the net proceeds of the sale of public lands.

(C) The amounts described in Subsection (B) shall be deposited into the permanent State School Fund.

(D) Beginning on January 1, 2015, public lands that the United States has not sold as of December 31, 2014, are subject to property taxation.

Section 3. Federalism Subcommittee study.

(A) the legislature creates a Federalism Subcommittee to study:

(1) procedures and requirements for subjecting public lands that the United States has not sold as of December 31, 2014, to property taxation, including the creation of a lien and the seizure and sale of the public lands;

2) the definition of "public lands", including whether to address as part of the definition interests, rights, or uses related to:

- (a) easements;
- (b) geothermal resources;
- (c) grazing;
- (d) mining;
- (e) recreation;
- (f) rights of entry;
- (g) special uses;
- (h) timber;
- (i) water; or
- (j) other natural resources;

(3) the determination of what constitutes expenses incident to the sale of public lands; and

(4) issues related to [National Parks, National Monuments, National Recreation Areas, etc].

(B) The Federalism Subcommittee may study any other issue related to the disposal and taxation of public lands as determined by the subcommittee.

(C) The Federalism Subcommittee shall report its findings and recommendations

Resolution in Support of the Keystone XL Pipeline

WHEREAS, The United States relies – and will continue to rely for many years – on gasoline, diesel and jet fuel despite the recent focus on renewable and alternative sources of energy. In order to fuel our economy, the United States will need more oil and natural gas while also requiring additional alternative energy sources such as ethanol and other renewable energy sources; and

WHEREAS, The United States currently depends on foreign imports for more than half of our petroleum usage. As the largest consumer of petroleum in the world, our dependence on overseas oil has created difficult geopolitical relationships with damaging consequences for our national security; and

WHEREAS, oil shale deposits in the Bakken Reserves in Montana and North Dakota and South Dakota are an increasingly important crude oil resource, with an estimated 11 billion barrels of recoverable crude oil, and there is not enough pipeline capacity for crude oil supplies from Montana, North Dakota, South Dakota, Oklahoma and Texas to American refineries; and

WHEREAS, Canadian oil reserves contain an estimated 173 billion barrels of recoverable oil. Canada is the single largest supplier of oil to the United States at 2.62 million barrels per day and has the capacity to significantly increase that rate; and

WHEREAS, the Keystone XL pipeline will, when completed, carry 700,000 barrels of North American oil to American refineries in the Gulf Coast region and construction of the project will create 120,000 jobs nationwide, create \$20 billion in economic growth and generate millions of dollars worth of government receipts; and

WHEREAS, A recent study by the U.S. Department of Energy found that increasing delivery to American refineries from Montana, North Dakota, South Dakota and Alberta, as well as Texas and Oklahoma to American refineries has the potential to substantially reduce our country's dependency on sources outside of North America; and

WHEREAS, Canada sends more than 99 percent of its oil exports to the United States, the bulk of which goes to Midwestern refineries. Oil companies are investing huge sums to expand and upgrade refineries in the Midwest and elsewhere to make gasoline and other refined products from Canadian oil derived from oil sands. The expansion and upgrade projects will create many new construction jobs over the next five years and, in {insert state} substantially add to our state's gross state product; and

WHEREAS, The same money used to buy North American oil will likely later be spent directly on U.S. goods and services in contrast with the money sent to hostile oil-producing governments that is later used to further anti-democratic agendas. Supporting the continued shift towards reliable and secure sources of North American oil is of vital interest to the United States and the state of {insert state}.

NOW THEREFORE BE IT RESOLVED, That we, the members of the {insert legislative body} of the state of {insert state}, support continued and increased development and delivery of oil derived from North American oil reserves to American refineries, urge Congress to support that continued and increased development and delivery, and urge Congress to ask the U.S. Secretary of State to approve the Keystone XL pipeline project that has been awaiting a presidential permit since 2008 to reduce dependence on unstable governments, improve our national security, and strengthen ties with an important ally; and

BE IT FURTHER RESOLVED, That the Clerk of the {insert legislative body} transmit duly authenticated copies of this resolution to the Speaker and Clerk of the United States House of Representatives, to the President Pro Tempore and Secretary of the United States Senate, to the members of the {insert state} Congressional delegation, and to the news media of {insert state}.

Resolution in support of modernizing the federal Toxic Substances Control Act of 1976

WHEREAS, American consumers deserve to have confidence that the products they buy, when used for their intended purposes, are safe; and

WHEREAS, a federal chemical management program should place protecting the public health – including children’s health -- as its highest priority, and should include strict government oversight; and

WHEREAS, the federal chemical management program should preserve America’s role as the world’s leading innovator and employer in the manufacture, processing, distribution in commerce and use of chemicals; and

WHEREAS, the current chemical management law, the Toxic Substance Control Act (TSCA) was signed into law in 1976, and is now nearly 35 years old; and

WHEREAS, since the enactment of the law, our ability to understand the impact chemicals have on the human body and the environment has advanced significantly; and

WHEREAS, those advancements in science and technology need to be integrated into the federal chemical management program; and

WHEREAS, momentum for modernization of the federal chemical regulatory system is growing in Congress; and

WHEREAS, a robust federal chemical management system will obviate the need for state governments to adopt different – at times conflicting – state regulatory programs that have the potential for negative impacts on the national economy.

NOW, THEREFORE be it resolved by **{enter state legislature}**,

Section 1. The **{enter state legislature}** encourages the 112th Congress of the United States to enact federal legislation to modernize the Toxic Substances Control Act of 1976. Amendments to TSCA should strengthen chemicals management to:

- (A) Ensure that chemicals are safe for their intended use;
- (B) Require EPA to systematically prioritize chemicals for the purpose of assessing their safe use;
- (C) Require that EPA act expeditiously and efficiently in assessing the safe use of chemicals;
- (D) Require companies that manufacture, import, process, distribute, or use chemicals to provide EPA with relevant information to the extent necessary for EPA to make safe use determinations;
- (E) Assure that the potential risks to children from exposures to chemicals are

- considered in the assessment of safe use;
- (F) Empower EPA to impose a range of risk management controls to ensure that chemicals are safe for their intended use;
 - (G) Encourage companies and EPA to work together to enhance public access to chemical health and safety information;
 - (H) Require that EPA rely on scientifically valid data and information, regardless of its source, including data and information reflecting modern advances in science and technology;
 - (I) Enable EPA to have the staff, resources, and regulatory tools it needs to ensure the safety of chemicals; and
 - (J) Ensure that TSCA remains a vehicle to promote and encourage technological innovation, and the maintenance of a globally competitive industry in the United States.

Section 2. The **{enter state legislature}** hereby directs that copies of this resolution be sent to all the members of the Congressional delegation of **{enter state}**.

Resolution on Sustainable Resource Development

WHEREAS, Over the past several years American consumers have benefited from substantially lower and more stable natural gas prices due to the development of technologies that allow energy producers to access significant supplies of domestic natural gas from shale formations and other unconventional reservoirs; and

WHEREAS, Responsible development of this new natural gas supply will further benefit consumers, provide new jobs, and lead to lower net emissions of carbon dioxide, nitrogen oxide and sulfur dioxide. These benefits will be realized through the increased use of natural gas for such direct use applications as cooking, space heating and water heating, as well as increased use of natural gas for generating electricity, powering industry and fueling vehicles.; and

WHEREAS, The reservoirs that produce oil and gas are highly variable geologically and separated geographically across the oil and gas producing States such that State regulatory agencies are best suited by local expertise and experience to effectively regulate production inside their individual borders; and

WHEREAS, Recently, the completion practices required to produce natural gas, specifically from shale formations, have attracted considerable attention in both the media and public policy circles; and

WHEREAS, There have been significant and important efforts by public and private groups to take steps to reduce adverse environmental impacts associated with the development of natural gas shale; and

WHEREAS, on August 11, 2011, the *Shale Gas Subcommittee of the Secretary of Energy Advisory Board* issued its Ninety-Day Report, which presented recommendations that if implemented will reduce the environmental impacts from shale gas production. These detailed recommendations support a process of continuous improvement in shale gas production, support the implementation of best practices, support increased measurement and disclosure and improved public information about shale gas operations, support improved communication among state and federal regulators, and call for continuing annual support to *STRONGER (the State Review of Oil and Natural Gas Environmental Regulation)* and the *Ground Water Protection Council* for expansion of the *Risk Based Data Management System* and similar projects that can be extended to all phases of shale gas development. These recommendations cover improvements in air quality, protection of water quality, disclosure of hydraulic fracturing fluid composition, reduction in the use of diesel fuel, and managing short-term and cumulative impacts on communities, land use, wildlife and ecologies. In organizing for best practices, the Secretary's subcommittee also calls for the creation of a shale gas industry production organization dedicated to continuous improvement of best practice;

THEREFORE BE IT RESOLVED, That the American Legislative Exchange Council, convened at its 2011 State and Nations Policy Summit, encourages sustainable resource development practices, balanced efforts to ensure reliable U.S. energy resources, and supports continued jurisdiction of the States to appropriately regulate oil and gas production in their unique geological and geographical circumstances.

Resolution on the Reduction of Invasive Species

WHEREAS, The conservation of the nation's natural resources negatively impacting economic and land assets should be enhanced by efficient management of invasive species thus curtailing the associated harm, and

WHEREAS, Through state and federal leadership, ALEC supports legislation and appropriations that improves private, local, state, and federal land managers' capabilities with on-the-ground control tools. Critical is the development of effective state invasive species laws patterned on existing programs demonstrating success, and

WHEREAS, Invasive Species are responsible for loss of wildlife and fish by causing impaired ecosystem health and diversity, and

WHEREAS, Invasive Species have harmful effects on endangered species, and

WHEREAS, Invasive Species cause soil erosion with diminished water quality and quantity, and

WHEREAS, Invasive Species reduce land values, recreational opportunities and tax revenues while increasing wildfires, flood events and energy disruption, and

WHEREAS, Lack of control of Invasive Species create loss of commerce opportunities due to excessive Federal regulation, reduced agricultural yield and quality of forage and crop production, reduced livestock health with increased mortality and cost, and declining public health from pest outbreaks and disease transmission. Both agricultural producers as well as consumers see increased costs.

THEREFORE BE IT RESOLVED the American Legislative Exchange Council supports the following action:

Section 1. Over five years, Federal land management agencies shall increase their on-the-ground control obligation by five-fold and decrease current infested acres by 25 percent. Critical to this process improvement will be the need to streamline the NEPA process.

Section 2. Federal agencies shall provide a state pass through fund assessed at 25 cents on each state's federally managed acre. A State entity shall submit a request for this critical pool of money based upon a consistent set of criteria with a measurable control strategy to reduce current infestation levels or stop new invasions on any land in the state. Federal funds may be passed to the Governor annually. At least fifty percent of the funds shall be utilized for on-the-ground control efforts for taxa prioritized by the state. Money may be appropriated directly to state IS programs to maximize impact and avoid costly overhead.

Section 3. Each state should develop and implement an invasive species plan, with control tactics, and law to receive and manage invasive species funding. Critical to

success will be the implementation of EDRR, Control & Management efforts on new and existing pest populations. Additionally, focused control efforts on water and highway corridors that are primary conduits of spread should be funded.

Section 4. States are encouraged to work in regional and national concert to educate the public through television and social media methods, particularly in metro areas. To reduce redundancy, all natural resource management agencies, state/local governments, universities, nonprofit organizations, industry, and the private sector should collaborate to form partnerships to protect land and water assets and natural resources.

Resolution Requesting that the Obama Administration Confer and Consult with the States on Management of Public Lands and Energy Resources

Whereas, Management of public lands and energy resources has a direct fiscal impact on state economies and state budgets; and

Whereas, Public lands should be managed to encourage environmentally responsible energy development and further restrictions to energy development on public lands are not only unnecessary, but also increase the United States' reliance on foreign energy sources; and

Whereas, State governments and regulatory agencies are best positioned to address the unique management needs of local resources; and

Whereas, Cost-benefit and job-impact analyses are required in many states before new state rules or regulations are adopted; and

Whereas, Regulations and federal mandates are stifling the economy, resulting in lost opportunities to create jobs; and

Whereas, Court settlements between the Obama Administration and environmental groups are severely limiting the ability for states to manage lands and resources within their borders; and

Whereas, Seventeen Governors have voiced their concerns to President Obama about the over-reaching nature of proposed rules and draft guidance that erodes traditional state authority;

Therefore be it resolved: The American Legislative Exchange Council requests Congress and the Administration to acknowledge and respect the role of states in a federal constitutional republic.

The United States Congress, which represents the interests of the states individually and collectively, is the appropriate public body to determine management of resources within a state's borders.

ALEC further calls on Congress and the Administration to commit to greater consultation with the states and to recognize cost-benefit and job-impact analyses must be addressed in order to understand how federal regulations impact states and their respective citizens.